

***HALEY WEINBLATT & CALCAGNI, LLP***  
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November 26, 2014

United States Attorney  
Eastern District of New York  
610 Federal Plaza  
Central Islip, NY 11722  
Attn: Catherine M. Mirable  
Assistant U.S. Attorney

RE: United States v. Philip Kenner & Tommy C. Constantine  
Docket Number: 13-CR-607 (JFB)

Dear Ms. Mirable:

In reply to your letter of November 25, 2014, I will await receipt of the three (3) CD disks which contained files I was unable to open because they were password protected and the password provided during our e-mail exchange was incorrect. The three (3) CD disks will replace disks previously identified as disks 2, 3 and 4. As you are aware, I was also provided a portable hard drive which contained files similarly password protected. At your direction, I returned the portable hard drive under cover letter of November 24, 2014 and await its return with the appropriate password in order to access the files contained on the hard drive.

In view of the foregoing, kindly refrain from releasing the files contained on the referenced hard drive and CD disks to the investigative team on December 5, 2014 as mentioned in your letter of November 3, 2014 pending further communication from me. As you may imagine, additional time will be necessary to review the files to determine whether a "privileged" objection may be raised with respect to the files contained on the hard drive and CD disks.

Thank you for your diligence in immediately responding to my e-mail alerting you to the password protected nature of the materials previously provided and your efforts to resolve the problem in a timely manner.

Very truly yours,

***Richard D. Haley***

RICHARD D. HALEY

cc: Hon. Joseph F. Bianco via ECF  
AUSA James M. Miskiewicz via ECF  
AUSA Saritha Komatireddy via ECF

